

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

**LARRY SUDDUTH,**

Petitioner,

V.

J. SOTO (Warden),

Respondent.

**Case No. LA CV 15-09038-VBF-RAO**

## ORDER

Overruling Petitioner's Objections;  
Adopting Report & Recommendation;

## Denying the Habeas Corpus Petition;

### Dismissing the Action With Prejudice;

### Directing Entry of Separate Final Judgment;

## Terminating and Closing the Action (JS-6)

Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. section 2254 ("petition") (CM/ECF Document ("Doc") 1), the respondent warden's answer and accompanying memorandum (Doc 8), the relevant decision(s) of the California state courts, the state-court "lodged documents" submitted by the respondent in paper form (listed in the Notice of Lodging at Doc 9), petitioner's sealed confidential probation report (*see* Docs 10-11), the Report and Recommendation ("R&R") issued by the United States Magistrate Judge pursuant to Fed. R. Civ. P. 72(b)(1) and 28 U.S.C. § 636(b)(1)(B) on May 2, 2016 (Doc 14), petitioner's timely July 25, 2016 objections to the R&R (Doc

21), and the applicable law. Petitioner did not file a traverse to the answer.

"Federal Rule of Civil Procedure 72(b)(2) gave respondent a right to respond to the objections," *Ruelas v. Muniz*, No. SA CV 14-01761, 2016 WL 540769, \*1 (C.D. Cal. Feb. 9, 2016) (Fairbank, J.), but on July 27, 2016 the respondent filed a notice stating that it did not intend to respond to the objections.

"As required by Fed. R. Civ. P. 72(b)(3), the Court has engaged in de novo review of the portions of the R&R to which petitioner has specifically objected and finds no defect of law, fact, or logic in the . . . R&R." *Rael v. Foulk*, No. LA CV 14-02987 Doc. 47, 2015 WL 4111295, \*1 (C.D. Cal. July 7, 2015), *COA denied*, No. 15-56205 (9th Cir. Feb. 18, 2016). Accordingly, the Court will accept the Magistrate's findings and conclusions and implement her recommendations.

#### ORDER

Petitioner's objections are **OVERRULED**.

The Report and Recommendation is **ADOPTED**.

**The petition for a writ of habeas corpus is DENIED.**

The Court will rule on a certificate of appealability by separate order.

Final judgment will be entered in favor of respondent consistent with this order.

"As required by Fed. R. Civ. P. 58(a), the Court will enter judgment by separate document." *Toy v. Soto*, 2015 WL 2168744, \*1 (C.D. Cal. May 5, 2015) (citing *Jayne v. Sherman*, 706 F.3d 994, 1009 (9th Cir. 2013)) (footnote 1 omitted), *appeal filed*, No. 15-55866 (9th Cir. June 5, 2015).

**This action is DISMISSED with prejudice.**

**The case SHALL BE TERMINATED and closed (JS-6).**

Dated: August 12, 2016



Valerie Baker Fairbank

Senior United States District Judge